

## **Chapter 120**

### **WASTEWATER REGULATIONS**

#### **Article I. In General**

- Sec. 120-1. Definitions and abbreviations.
- Sec. 120-2. Purpose.
- Sec. 120-3. Scope.
- Sec. 120-4. Administration.
- Sec. 120-5. Fees and charges.
- Sec. 120-6. Inspections.
- Sec. 120-7. Vandalism.
- Sec. 120-8. Confidential information.
- Sec. 120-9. Falsifying information.
- Sec. 120-10. Noncompliance reporting
- Sec. 120-11. Private wastewater treatment facilities.
- Sec. 120-12. Dead-end sewers.
- Secs. 120-13—120-70. Reserved..

#### **Article II. Use of the Publicly Owned Treatment Works**

- Sec. 120-71. Preliminary treatment facilities.
- Sec. 120-72. Connection to the publicly owned treatment works.
- Sec. 120-73. Limitation on point of discharge.
- Sec. 120-74. Harmful contributions.
- Sec. 120-75. Trucked or hauled wastewater; conditions for discharge to the POTW.
- Sec. 120-76. Trucked or hauled wastes; charges and fees.
- Sec. 120-77. Sale of process residues from publicly owned treatment works.
- Sec. 120-78. Grease, oil and sand interceptors.
- Secs. 120-79—120-110. Reserved.

#### **Article III. Conditions for Use of the Publicly Owned Treatment Works**

- Sec. 120-111. Special uses of publicly owned treatment works.
- Sec. 120-112. Restricted discharges.
- Sec. 120-113. Specific pollutant limitations.
- Sec. 120-114. Federal categorical pretreatment standards.
- Sec. 120-115. State pretreatment standards.
- Sec. 120-116. Special agreements.
- Sec. 120-117. Excessive discharge.
- Sec. 120-118. Accidental or slug discharges.
- Sec. 120-119. Notification of the discharge of hazardous was:
- Secs. 120-120—120-150. Reserved.

#### **Article IV. Industrial Users**

- Sec. 120-151. Information requirements.
- Sec. 120-152. Reporting requirements.
- Sec. 120-153. Provision for monitoring.
- Sec. 120-154. Determination of wastewater characteristics.
- Secs. 120-155—120-190. Reserved.

#### **Article V. Wastewater Contribution Permits**

- Sec. 120-191. General permits.
- Sec. 120-192. Permit application.
- Sec. 120-193. Signatories and certification.
- Sec. 120-194. Permit decisions.
- Sec. 120-195. Permit modification.
- Sec. 120-196. Permit contents.
- Sec. 120-197. Permit duration.
- Sec. 120-198. Permit transfer.
- Sec. 120-199. Permit revocation.
- Sec. 120-200. Permit reissuance.
- Sec. 120-201. Continuation of expired permits.
- Sec. 120-202. Permit appeals.
- Secs. 120-203--120-240. Reserved.

#### **Article VI. Wastewater Charges and Rates**

|                                  |   |
|----------------------------------|---|
| Sec. 120-241.                    | General information.                                  |
| Sec. 120-242.                    | Basis for sewer charges.                              |
| Sec. 120-243.                    | Determination of usage.                               |
| Sec. 120-244.                    | Basis for computing residential bills.                |
| Sec. 120-245.                    | Rates.  |
| Sec. 120-246.                    | Connection fees.                                      |
| Sec. 120-247.                    | Extra charges.  |
| Sec. 120-248.                    | Method of billing.                                    |
| Sec. 120-249.                    | POTW connections; deposits.                           |
| Sec. 120-250.                    | POTW connections; alternate connect fees and rentals. |
| Sec. 120-251.                    | Connection to POTW a privilege.                       |
| Sec. 120-252.                    | Requirements of sewer easements.                      |
| Sec. 120-253.                    | Wastewater service charge adjustments; appeals.       |
| Sec. 120-254.                    | Payment and delinquency.                              |
| Sec. 120-255.                    | Water utility services cut off; payment delinquency   |
| Sec. 120-256.                    | Connection fees; private contract sewers.             |
| Sees. 120-257—120-290. Reserved. |   |

#### **Article VII. Enforcement**

|               |  |
|---------------|--|
| Sec. 120-291. | Warrants.  |
| Sec. 120-292. | Administrative enforcement remedies.                         |
| Sec. 120-293. | Revocation of permits, utilities and disconnection from POTW |
| Sec. 120-294. | Emergencies, abatements, and recovery of costs.              |
| Sec. 120-295. | Prosecution of violation.                                    |
| Sec. 120-296. | Penalties.   |
| Sec. 120-297. | Affirmative defenses to discharge violations.                |
| Sec. 120-298. | Abatement of violation; injunctive relief                    |
| Sec. 120-299. | Responsibility; joint and several liability.                 |
| Sec. 120-300. | Enforcement response plan.                                   |

## **ARTICLE I. IN GENERAL**

### **Sec. 120-1. Definitions and abbreviations.**

(a) *Definitions.* For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Act or the act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

*Approval authority* means the state department of natural resources; otherwise, the regional administrator of the U.S. EPA Region VII, or his designee.

*Authorized representative of the user* means:

(1) If the user is a corporation:

a. The president, secretary, treasurer or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

b. The manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000.00, in second-quarter 1980 dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the user is a federal, state or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in subsections (1) through (3) of this section may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the city.

*Availability of sewers* means an owner or occupant of property shall have sewers available whenever the property or premises is located in a sewer district established by the ordinance of the city, or whenever public sewers are available to the property or premises in any jurisdiction with which the city has an interjurisdictional sewage treatment agreement, or the city has notified the owner or occupant of the property pursuant to section 120-72.

*Biochemical oxygen demand (BOD<sub>5</sub>)* means the quantity of dissolved oxygen required for the biochemical degradation of organic material (carbonaceous demand) and the oxygen used to oxidize inorganic material such as sulfides and ferrous iron. It may also be the quantity of dissolved oxygen used to oxidize reduced forms of nitrogen (nitrogenous demand) unless their oxidation is prevented by an inhibitor. Such BOD<sub>5</sub> shall be determined as described under the heading "Oxygen Demand (Biochemical)" in the Standard Methods of the Examination of Water and Wastewater, latest edition, as published jointly by the American Public Health Association, the American Water Works Association and the Water Environment Federation.

*Building sewer* means the part of the drainage system which extends from the building drain and conveys wastewater to a POTW, private sewer, individual wastewater treatment system or other point of discharge.

*City* means the City of Springfield, Missouri.

*Compatible pollutant* means biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the POTW's NPDES permit, which the POTW is designed to treat.

*Composite sample* means the sample resulting from the combination of individual wastewater samples

taken at selected intervals based on an increment of either flow or time.

*Cooling water* means as follows:

(1) *Uncontaminated cooling water* means water used for cooling purposes only which has no direct contact with any raw material, intermediate, or final product and which does not contain a level of contaminants detectably higher than that of the intake water.

(2) *Contaminated cooling water* means water used for cooling purposes only which may become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials and/or wastewater.

*Director* means the director of the public works department of the city or his authorized representative.

*Domestic waste* means the waterborne wastes derived from ordinary household living processes, including, but not limited to, waters from water closets, urinals, lavatories, sinks, bath tubs, showers, household laundries, household garbage grinders and drinking fountains.

*Environmental Protection Agency* or *EPA* means the U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator of the EPA or that person's designee.

*Existing source* means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with section 1207 of the act.

*Fundamentally different factors* means factors relating to a user which are different from those factors considered during development of a categorical pretreatment standard or requirements as defined in 40 CFR 403.13.

*Garbage* means the solid animal and vegetable wastes resulting from the domestic or commercial handling, storage, dispensing, preparation, cooking and serving of foods.

*Grab sample* means a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

*Holding tank waste* means the waterborne wastes from holding tanks such as vessels, chemical toilets, recreational vehicles, septic tanks, vacuum-pump vehicles, aircraft or buses.

*Industrial user* means any nonresidential user identified in division A, B, D, E or I of the Standard Industrial Classification Manual or any user which discharges wastewater containing toxic or poisonous

substances or any substances which cause interference or pass through in the POTW.

*Industrial waste* means any waterborne or liquid waste from an industrial user, other than domestic waste.

*Instantaneous maximum allowable discharge limit* means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composted sample collected, independent of the industrial flow rate and the duration of the sampling event.

*Interference* means a discharge which alone or in conjunction with a discharge or discharges from other sources: (1) inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and (2) therefore is a cause of a violation of the POTW's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

*Medical waste* means isolation wastes, infectious agents, human blood and blood byproducts pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

*National Categorical Pretreatment Standard or Pretreatment Standard* means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to section 403.5 of the act, categorical pretreatment standards, restricted discharges and local limits.

*National Pollutant Discharge Elimination System or NPDES permit* means a permit issued pursuant to section 402 of the act.

*New source* means any building, structure, facility, or installation from which there is, or may be, a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 1207(c) of the act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (1) The building, structure, facility or installation is constructed at a site at which no other source is located;
- (2) The building, structure, facility or installation totally replaces the process or production

equipment  
that causes the discharge of pollutants at an existing source; or

(3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (1)b. or c. of this definition but otherwise alters, replaces or adds to existing process or production equipment.

Construction of a new source as defined under this definition has commenced if the owner or operator has:

(1) Begun, or caused to begin, as part of a continuous onsite construction program:

a. Any placement, assembly, or installation of facilities or equipment; or

b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment.

(2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this definition.

*Nonresidential user* means all premises other than residential as defined in this chapter, used for other than or in combination with human residency and which is connected, or has availability, to the POTW.

*Pass through* means a discharge which exits the POTW into the waters of the state in quantities or concentrations which, alone or in conjunction with discharges from other sources, is a cause of or significantly contributes to a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude of a violation. Any industrial user significantly contributes to such permit violation where it:

(1) Discharges a pollutant loading in excess of that allowed by permit with the POTW or by federal, state or local law;

(2) Discharges wastewater which substantially differs in nature and constituents from the user's average discharge;

(3) Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in an NPDES permit violation; or

(4) Knows or has reason to know that the POTW is, for any reason, violating its final effluent limitations in its NPDES permit and that such industrial user's discharge, either alone or in conjunction with discharges from other sources, increases the magnitude or duration of the POTW's NPDES violation.

*Person* means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

*pH* means the logarithm of the reciprocal of the hydrogen ion concentration expressed as grams per liter of solution as determined by Standard Methods.

*Pollutant* means anything discharged into the POTW which causes any alteration of chemical, physical, biological, or radiological integrity of water including but not limited to dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD<sub>5</sub>, COD, toxicity, or odor).

*Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(e).

*Pretreatment requirements* means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

*Properly shredded garbage* means garbage which has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in the POTW with no particle greater than one-half inch in any dimension.

*Publicly owned treatment works (POTW)* means a treatment works as defined by section 212 of the act, which is owned by the city. This definition includes the sanitary sewers of the city and any device and systems used in the storage, treatment, recycling and reclamation of municipal

sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city limits of Springfield who are by contract or agreement with the city, users of a city POTW.

*POTW treatment plant* means that portion of a POTW which is designed to provide treatment of municipal sewage and industrial waste.

*Residential user* means a single-family or two-family unit dwelling used only for human residence and which is connected, or has availability, to the POTW.

*Sanitary sewer* means a sewer which carries wastewater and to which storm, surface and ground waters are not intentionally admitted.

*Significant industrial user* means as follows:

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

a. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater).

b. Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant.

c. Is designated as such by the POTW on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in subsection (2) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the POTW may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

*Slug discharge* means any discharge which in concentration of any given constituent or in quantity of flow may cause or may significantly contribute to cause interference with the operation and performance of the POTW or may cause or may significantly contribute to cause pass through of pollutants through the POTW into waters of the state in sufficient quantities or concentrations to cause or significantly contribute to cause a violation of the POTW's NPDES permit.

*Standard Industrial Classification (SIC)* means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, latest edition.

*State* means the State of Missouri.



*Storm drain or storm sewer* means a pipe or conduit which carries stormwater, surface water, drainage and cooling water, and to which wastewater is not intentionally admitted.

*Stormwater* means any flow occurring during or following any form of natural precipitation and resulting therefrom.

*Suspended solids* means the dry weights of matter physically suspended in a flow of water or wastewater, as determined by the method of determining total nonfilterable residue dried at 103 degrees to 105 degrees Celsius described under the heading "Residue" in the Standard Methods of the Examination of Water and Wastewater, latest edition, as published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation and expressed in milligrams per liter by weight.

*Toxic pollutants* means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of section 1207(a) of the act or other acts.

*User* means the owner or occupant of property or premises that is connected directly or indirectly or has available to the property or premises the facilities of the POTW.

*Wastewater* means the industrial waste or domestic waste from any source which is contributed into or permitted to enter the POTW.

*Waters of the state* means all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two or more persons jointly or as tenants in common and includes waters of the United States lying within the state.

(b) *Abbreviations.* For the purposes of this chapter, the following abbreviations shall have the designated meanings:

|                  |   |
|------------------|---|
| BOD <sub>5</sub> | Oxygen demand (biochemical).                          |
| CFR              | Code of Federal Regulations.                          |
| CSR              | Code of State Regulations.                            |
| EPA              | United States Environmental Protection Agency.        |
| gpd              | Gallons per day.                                      |
| l                | Liter.  |
| mg               | Milligrams.   |
| mg/l             | Milligrams per liter.                                 |
| NPDES            | National Pollutant Discharge Elimination System.      |
| POTW             | Publicly Owned Treatment Works.                       |
| RCRA             | Resource Conservation and Recovery Act.               |
| SIC              | Standard Industrial Classification.                   |
| SWDA             | Solid Waste Disposal Act, 42 USC 6901 et seq.         |
| TSS              | Total Suspended Solids (Total Nonfilterable Residue). |

USC     United States Code.

**Sec. 120-2. Purpose.**

The purpose of this chapter is to provide for the maximum possible beneficial public use of the POTW through regulations of sewer construction, sewer use and wastewater discharges; to provide for equitable distribution of the costs of the POTW; and to provide procedures for complying with the requirements contained in this chapter.

**Sec. 120-3. Scope.**

- (a) The provisions of this chapter shall apply to the discharge of all wastewater into the POTW. This chapter provides for use of the POTW, regulations of sewer construction, control of the quantity and quality of wastewater discharged, wastewater pretreatment, alternate treatment facilities, equitable distribution of costs, assurance that existing capacity will not be exceeded, approval of sewer construction plans, issuance of wastewater contribution permits, minimum sewer connection standards and conditions and penalties and other procedures for violation of this chapter.
- (b) This chapter shall apply within the city and to persons outside the city who are users of the POTW.
- (c) All connections of lateral or building sewer lines into the sewage system of the POTW service area, whether within or without any city, shall be made subject to such terms and conditions as the ordinances of the city may prescribe.

**Sec. 120-4. Administration.**

Except as otherwise provided in this chapter, the director shall administer, implement, and enforce the provisions of this chapter.

**Sec. 120-5. Fees and charges.**

- (a) All fees and charges payable under this chapter shall be paid to the city.
- (b) All fees and charges under the provisions of this chapter are due and payable upon receipt of notice of charges. Charges unpaid 20 days after mailing of notice of charges shall be delinquent and shall be subject to penalty as provided in section 120-254 and interest charges at the statutory rate.
- (c) Premium charges, rental fees, and applicable fees as defined by the Environmental Protection Agency of the United States of America, and as collected by the city pursuant to section 120-250, pertaining to charges for service outside sewer districts shall be placed by the finance director of the city in a special account to be established by the finance director to provide debt service for sanitary sewers.

#### **Sec. 120-6. Inspections.**

The director or his designee bearing proper credentials and identification shall be permitted to enter properties without delay at any reasonable time for the purposes of inspection, observation, measurement and sampling of the wastewater discharge to ensure that the discharge to the POTW is in accordance with the provisions of this chapter.

#### **Sec. 120-7. Vandalism.**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with or impede accessibility of any structure, appurtenance or equipment which is part of the POTW.

#### **Sec. 120-8. Confidential information.**

(a) Any information submitted pursuant to this chapter may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information.

(b) If no claim of confidentiality is made at the time of submission, the director may make the information available to the public without further notice.

(c) Upon approval of the director, such portions of a report claimed as "confidential business information," and which might disclose trade secrets, secret processes, or methods of production shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the POTW NPDES permit, and/or the pretreatment program; but, such portions of a report shall be available for use by the city, the state, or any federal agency in judicial or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

#### **Sec. 120-9. Falsifying information.**

No person shall knowingly make any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, nor falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this chapter.

#### **Sec. 120-10. Noncompliance reporting.**

The director shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous 12 months, were in significant

noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean as follows:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD<sub>5</sub>, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3) Any other discharge violation that the director believes has caused, along or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- (4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the director's exercise of his emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater contribution permit or enforcement order for starting construction, completing construction or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violations which the director determines will adversely affect the operation or implementation of the local pretreatment program.

**Sec. 120-11. Private wastewater treatment facilities.**

- (a) It shall be unlawful to construct or maintain any privy, privy vault, cesspool or other facility, except septic tanks as provided by this chapter, intended or used for disposal of wastewater, provided that approved portable chemical toilets may be temporarily erected and maintained on construction sites with the approval of the director of building regulations.
- (b) In lieu of introducing untreated or partially treated wastewater into the POTW, the owner of the premises producing such waste may construct and operate, at his expense, private waste treatment facilities with the effluent discharged to the waters of the state, provided:
  - (1) The design and operation of such facilities shall continuously produce an effluent which is in compliance with standards that may be imposed by the director and the state.
  - (2) Construction drawings, specifications and other pertinent information relating to such proposed

treatment facilities shall be prepared by the owner, at his expense, and shall be submitted to the director and the state. Construction shall be in accordance with such approved plans and shall not commence until such approvals are obtained in writing, appropriate permits are obtained and charges or fees are paid.

(3) Such facilities shall be operated and maintained in a satisfactory and effective manner by the owner at his expense. Such facilities shall be subject to inspection by the director at reasonable times with reasonable notice

#### **Sec. 120-12. Dead-end sewers.**

The public works director of the city is hereby authorized to approve plans, profiles and specifications for the construction of dead-end sewers and to accept the dedication of such sewers provided the sewers are constructed within one year from the date the director of public works approves the plans and in accordance with city specifications. The person constructing the sewer shall pay to the city in advance of any work all engineering service fees as required by the city for the cost of staking, plan review, inspection and related services by the city during such construction. The city's obligation to maintain the sewers as part of any sanitary sewer system shall not occur until sewers are otherwise available. The person dedicating such sewers shall file and record public sewer easements sufficient to provide the city access to the sewers. The sewers shall be free from any lien for the construction work related thereto. The director of public works shall have authority to accept the dedication of the sewer easements and the sewers when all conditions of this section have been satisfied.

#### **Secs. 120-1--120-70. Reserved.**

### **ARTICLE II. USE OF THE PUBLICLY OWNED TREATMENT WORKS**

#### **Sec. 120-71. Preliminary treatment facilities.**

(a) The admission into the POTW of any wastewater containing any quantity of pollutant shall be subject to review and approval of the director. Where necessary, in the opinion of the director, the owner of the property or premises producing such waste shall provide, at his expense, such preliminary treatment as may be necessary to reduce pollution or certain pollutants to within the maximum limits provided for in this chapter or to control the quantities or rates of discharge of such wastewaters.

(b) Construction drawings, specifications and other pertinent information relating to the proposed preliminary treatment facilities shall be prepared by the owner at his expense and shall be submitted for the approval of the director and no construction of such facilities shall be commenced until such approvals are obtained in writing. Construction shall be in accordance with such approved plans.

(c) Where preliminary treatment facilities are provided, they shall be maintained continuously in effective operation by the owner at his expense.

#### **Sec. 120-72. Connection to the publicly owned treatment works.**

(a) The owner of all houses, buildings or properties used for human occupancy,

employment, recreation or other purpose, situated in the city or in any area where there is an availability of sewers in a jurisdiction with which the city has an interjurisdictional sewage treatment agreement and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a sanitary sewer of the city, is hereby required, at his expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper sanitary sewer in accordance with the provisions of this chapter within 90 days after sewer service is available, provided such sanitary sewer is within 200 feet, measured along a street, alley or easement, of the property line. If there is no sanitary sewer within 200 feet of the property line, the owner may request permission of the city to construct and maintain an adequate septic tank installation until such time as a sanitary sewer is made available.

(b) No person shall make any connection to the POTW, either direct or indirect, without written permission from the director, or reconnect wastewater services when such services have been disconnected for nonpayment of a bill for wastewater services unless such bill for wastewater services, including charges for disconnection, has been paid in full.

(c) No person shall tap into any sanitary sewer line of the POTW except by using an approved tapping machine and an approved connection fitting unless otherwise approved by the director. The director shall develop reasonable rules and regulations on tapping and connecting procedures. These rules and regulations shall take force and effect five days after the rules and regulations shall be filed in the office of the city clerk.

#### **Sec. 120-73. Limitation on point of discharge.**

No person shall discharge any wastewater or pollutant directly into a manhole or other opening of the POTW, other than through an approved building sewer, unless he shall have been given written permission to do so by the director.

#### **Sec. 120-74. Harmful contributions.**

The director may, after informal notice to the discharger, take whatever steps are reasonably necessary to immediately temporarily suspend a user's sewer use permit, or impose temporary restrictions on discharges, or halt and prevent the discharge of pollutants to the POTW which reasonably appear to present an immediate endangerment to the health or welfare of persons. If the director determines that an industrial user's discharge to the POTW does not present an immediate endangerment to the health or welfare of persons, but presents or may present an endangerment to the environment or threatens to interfere with the operation of the POTW, he shall notify the discharger in writing setting forth sufficient facts to describe the violation and allowing a reasonable period of time, which shall be stated in the notice, to respond or to abate or correct the violation and if the response or actions of the discharger do not result in abatement and correction within such period of time, the director may take action as reasonably necessary to halt or prevent the discharge.

#### **Sec. 120-75. Trucked or hauled wastewater; conditions for discharge to the POTW.**

(a) Holding tank waste may be introduced into the POTW only at locations designated by the

director,  
and at such times as are established by the director. Such waste shall not violate article III of this chapter or any other requirements established by the city. The director may require holding tank waste haulers to obtain wastewater discharge permits.

(b) The director shall require haulers of industrial waste to obtain wastewater discharge permits. The director may require generators of hauled industrial waste to obtain wastewater discharge permits.

The  
director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.

(c) Industrial waste haulers may discharge loads only at locations designated by the director. No load may be discharged without prior consent of the director. The director may collect samples of each hauled load to ensure compliance with applicable standards. The director may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents and whether any wastes are RCRA hazardous wastes.

#### **Sec. 120-76. Trucked or hauled wastes; charges and fees.**

The director is hereby authorized to determine the cost to receive, test and administer wastewater which is trucked or hauled to the POTW. The director shall file such cost determinations with the city clerk, with notice to the city council, and the city thereafter shall charge for such services in accordance with the amount so filed, unless countermanded by a resolution of the city council.

#### **Sec. 120-77. Sale of process residues from publicly owned treatment works.**

The director shall dispose of all treated sludges and other byproducts of the POTW. He may sell such sludges and other byproducts to such persons as may desire to purchase the sludges and byproducts, and shall determine a schedule of charges and provide for the collection of such charges. He shall account monthly to the director of finance for such sales.

#### **Sec. 120-78. Grease, oil and sand interceptors.**

Grease, oil and sand interceptors shall be provided at the user's expense when the director determines that they are necessary for the proper handling of wastewater containing grease or any flammable wastes, sand and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the director and shall be so located as to be readily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when butted in place shall be gastight and watertight. When installed, all grease, oil and sand interceptors shall be maintained by the user, at his expense, in continuously efficient operation.

**Secs. 120-79--120-110. Reserved.**

**ARTICLE III. CONDITIONS FOR USE OF THE  
PUBLICLY OWNED TREATMENT WORKS**

**Sec. 120-111. Special uses of publicly owned treatment works.**

No person shall discharge anything other than wastewater to the POTW. Any connection, drain or arrangement which will permit any other water to enter the POTW shall be deemed to be a violation of this chapter.

**Sec. 120-112. Restricted discharges.**

(a) These general restrictions apply to all users of the POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other national, state or local pretreatment standards or requirements.

(b) No person shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which acting alone or in conjunction with other substances present in the POTW interferes with the operation or performance of the POTW or which causes or contributes to interference or pass through. A person shall not contribute substances to the POTW which may:

(1) Create a fire or explosion hazard including but not limited to gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquids, solids or gases with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) (the RCRA ignitability standard for liquid characteristic waste) using the test methods specified in 40 CFR 261.21. At no time shall two successive readings over a one hour period on any explosion hazard meter, at the point of discharge into the POTW, or at any point in the POTW, be more than five percent nor shall any single reading be over ten percent of the lower explosive limit (LEL).

(2) Cause corrosive damage or hazard to structures, equipment or personnel of the POTW. In no case shall the discharges have a pH lower than 5.0 or higher than 12.5.

(3) Cause obstruction to the flow in the POTW or other interference with the operation of the wastewater facilities due to accumulation of solid or viscous material such as but not limited to: grease, garbage with particles greater than one-half inch in any dimensions, animal tissues, paunch manure, bones, hair, hides or fleshings, entrails, blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, rags, plastics, tar, asphalt residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

(4) Constitute a rate of discharge sufficient to cause interference with the operation and performance of POTW.

(5) Contain heat in amounts which will inhibit biological activity of the POTW treatment plant. In no case shall the temperature of the point of connection to the POTW exceed 150 degrees Fahrenheit (65.5 degrees Celsius) or cause the temperature at the treatment plant influent to exceed 104 degrees Fahrenheit (40 degrees Celsius).

(6) Contain any garbage that has not been properly shredded.

(7) Contain petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through.



- (8) Contain any noxious or malodorous liquids, gases or solids which either singly or by intersection with other wastes are sufficient to create a public nuisance or hazard to life and property or that result in toxic gases, vapors, and fumes in a quantity that may cause acute worker health and safety problems.
- (9) Contain radioactive waste or isotopes of such half life or concentration as may exceed limits defined by applicable state and federal regulations.
- (10) Contain any odor, or color producing substances exceeding concentration limits which may be established by the director of public works for the purpose of meeting the POTW's NPDES permit.
- (11) Contain any substances which may cause the POTW's effluent or any product of the POTW such as residues, sludges or scums to be unsuitable for reclamation and reuse or interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program.
- (12) Contain toxic pollutants in sufficient quantity to injure or interfere with the wastewater treatment process, constitute a hazard to humans or other life forms, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in an applicable categorical pretreatment standard.
- (13) Contain compatible pollutants of such concentration, quantity or rate of discharge that the POTW treatment efficiency is impaired or unusual attention or expense is required to handle such materials in the POTW.
- (14) Contain fats, oils or grease of animal or vegetable origin greater than 100 milligrams per liter that will cause interference or pass through.
- (15) Contain any trucked or hauled pollutants, except at points and times designated by the director in accordance with sections 120-75 and 120-76.
- (16) Contain any medical wastes, except as specifically authorized by the director.
- (17) Contain pollutants, including oxygen demanding pollutants (BOD<sub>5</sub>, etc. ), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
- (18) Contain stormwater, surface water, groundwater, well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, cooling water and unpolluted wastewater, unless specifically authorized by the director.
- (19) Contain sludges, screenings or other residues from the pretreatment of industrial wastes.
- (20) Contain wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (21) Contain detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.

**Sec. 120-113. Specific pollutant limitations.**

(a) *Southwest Wastewater Treatment Plant local discharge limitations.* Local discharge limitations for specific pollutants listed in this table are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum

allowable discharge

| Parameters                                  | mg/l                     |
|---|--------------------------|
| Aluminum—dissolved (Al)                     | <input type="checkbox"/> |
| Antimony (Sb)                               | <input type="checkbox"/> |
| Arsenic (As)                                | 0.51                     |
| Barium (Ba)                                 | <input type="checkbox"/> |
| Beryllium (Be)                              | <input type="checkbox"/> |
| Boron (B)                                   | <input type="checkbox"/> |
| Cadmium (Cd)                                | 0.13                     |
| Chromium—total (Cr)                         | 2.91                     |
| Chromium—hexavalent (Cr <sup>6+</sup> )     | <input type="checkbox"/> |
| Cobalt (Co)                                 | <input type="checkbox"/> |
| Copper (Cu)                                 | 2.44                     |
| Cyanide (CN)                                | 0.33                     |
| Fluoride (F)                                | <input type="checkbox"/> |
| Iron (Fe)                                   | <input type="checkbox"/> |
| Lead (Pb)                                   | 0.53                     |
| Manganese (Mn)                              | <input type="checkbox"/> |
| Mercury (Hg)                                | 0.02                     |
| Nickel (Ni)                                 | 5.79                     |
| Phenols                                     | <input type="checkbox"/> |
| Selenium (Se)                               | <input type="checkbox"/> |
| Silver (Ag)                                 | <input type="checkbox"/> |
| Thallium (Tl)                               | <input type="checkbox"/> |
| Zinc (Zn)                                   | 6.54                     |
| Total Kjeldahl Nitrogen (TKN)               | <input type="checkbox"/> |
| Ammonia (NH <sub>3</sub> -N)                | <input type="checkbox"/> |
| Oil and Grease (animal and/or vegetable)    | 100                      |
| Total Toxic Organics (T.T.O.)               | <input type="checkbox"/> |
| Total Dissolved Solids                      | <input type="checkbox"/> |
| Temperature—Maximum (degrees in Fahrenheit) | 150                      |
| pH—Maximum (pH units)                       | 12.5                     |

|  |                          |
|--|--------------------------|
| pH-Minimum (pH units)                            | 5.0                      |
| Biochemical Oxygen Demand (BOD <sub>5</sub> )    | <input type="checkbox"/> |
| Chemical Oxygen Demand (COD)                     | <input type="checkbox"/> |
| Suspended Solids (NFR)                           | <input type="checkbox"/> |
| Flow - (MGD)                                     | <input type="checkbox"/> |
| Flashpoint—not less than (degrees in Fahrenheit) | 140                      |

The above limits apply at the point where wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise.

☐ No discharge limit is currently warranted for these parameters. The director reserves the right, however, to establish a discharge limit as the need occurs.

(b) *Northwest Wastewater Treatment Plant local discharge limits.* Local discharge limitations for specific pollutants listed in this table are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits:

| Parameters                              | mg/l                     |
|---|--------------------------|
| Aluminum—dissolved (Al)                 | <input type="checkbox"/> |
| Antimony (Sb)                           | <input type="checkbox"/> |
| Arsenic (As)                            | 0.85                     |
| Barium (Ba)                             | <input type="checkbox"/> |
| Beryllium (Be)                          | <input type="checkbox"/> |
| Boron (B)                               | <input type="checkbox"/> |
| Cadmium (Cd)                            | 0.86                     |
| Chromium—total (Cr)                     | 5.43                     |
| Chromium—hexavalent (Cr <sup>6+</sup> ) | <input type="checkbox"/> |
| Cobalt (Co)                             | <input type="checkbox"/> |
| Copper (Cu)                             | 1.89                     |
| Cyanide (CN)                            | 0.31                     |
| Fluoride (F)                            | <input type="checkbox"/> |
| Iron (Fe)                               | <input type="checkbox"/> |
| Lead (Pb)                               | 0.95                     |
| Manganese (Mn)                          | <input type="checkbox"/> |
| Mercury (Hg)                            | 0.05                     |

|  |                          |
|--|--------------------------|
| Nickel (Ni)                                      | 19.85                    |
| Phenols  | <input type="checkbox"/> |
| Selenium (Se)                                    | <input type="checkbox"/> |
| Silver (Ag)                                      | <input type="checkbox"/> |
| Thallium (Tl)                                    | <input type="checkbox"/> |
| Zinc (Zn)  | 10.60                    |
| Total Kjeldahl Nitrogen (TKN)                    | <input type="checkbox"/> |
| Ammonia (NH <sub>3</sub> -N)                     | <input type="checkbox"/> |
| Oil and Grease (animal and/or vegetable)         | 100                      |
| Total Toxic Organics (T.T.O.)                    | <input type="checkbox"/> |
| Total Dissolved Solids                           | <input type="checkbox"/> |
| Temperature—Maximum (degrees in Fahrenheit)      | 150                      |
| pH—Maximum (pH units)                            | 12.5                     |
| pH-Minimum (pH units)                            | 5.0                      |
| Biochemical Oxygen Demand (BOD <sub>5</sub> )    | <input type="checkbox"/> |
| Chemical Oxygen Demand (COD)                     | <input type="checkbox"/> |
| Suspended Solids (NFR)                           | <input type="checkbox"/> |
| Flow - (MGD)                                     | <input type="checkbox"/> |
| Flashpoint—not less than (degrees in Fahrenheit) | 140                      |

The above limits apply at the point where wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise.

☐ No discharge limit is currently warranted for these parameters. The director reserves the right, however, to establish a discharge limit as the need occurs.

(c) If, in establishing discharge restrictions, discharge limits, or pretreatment standards pursuant to this chapter, the director establishes limits to be met by a user, the director in lieu of concentration limits, may establish mass limits of comparable stringency for an individual user at the request of such user.

(d) Where process effluent is mixed prior to treatment with wastewaters other than those generated by the categorical regulated process, fixed alternative discharge limits may be derived in accordance with 40 CFR 403.6(e), combined wastestream formula.

(e) Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in an industrial user's intake water in accordance with 40 CFR 403.15, net/gross calculation.

**Sec. 120-114. Federal categorical pretreatment standards.**

(a) No user subject to an applicable federal categorical pretreatment standard or any other national, state, or local pretreatment standard or requirement shall discharge or cause to be discharged to the POTW, wastewater containing substances in excess of the quantity prescribed unless otherwise provided in this section.

(b) Upon application by a user, the director may revise any limitations on substances specified in the applicable pretreatment standards to reflect removal of the substances by the wastewater treatment facility. EPA approval is required before removal credits may be granted by the director. The revised discharge limit for specified substances shall be derived in accordance with 40 CFR 403.7 and 403.11.

(c) Upon application by a user, the director may adjust any limitations on substances specified in the applicable pretreatment standards to consider factors relating to such persons which are fundamentally different from the factors considered by EPA during the development of the pretreatment standards. Request for and determinations of a fundamentally different factor adjustment shall be in accordance with 40 CFR 403.13.

(d) The director shall notify any user affected by the provisions of this section and shall establish an enforceable compliance schedule for each.

#### **Sec. 120-115. State pretreatment standards.**

State pretreatment standards located at 10 CSR 20-6.100 are hereby incorporated.

#### **Sec. 120-116. Special agreements.**

Nothing in this chapter shall be construed as preventing any special agreement or arrangement between the city and any user of the POTW, whose wastewater discharge is not subject to state or federal regulations, whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable.

#### **Sec. 120-117. Excessive discharge.**

No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in applicable standards, or any other specific pollutant limitation developed by the city and state.

#### **Sec. 120-118. Accidental or slug discharges.**

The director may require any industrial user to develop and implement an accidental discharge/ slug control plan. At least once every two years the director shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:

(1) Description of discharge practices, including nonroutine batch discharges.

(2) Description of stored chemicals.

(3) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the restricted discharges in section 120-112, with procedures for follow-up written notification within five days.

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of

material, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency responses.

#### **Sec. 120-119. Notification of the discharge of hazardous waste.**

(a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection needs to be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under section 120-152. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of subsections (a), (c) and (d) of section 120-152.

(b) Dischargers are exempt from the requirements of subsection (a) of this section, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of a new regulations under section 12001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the director, the EPA Regional Waste Management Division director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(e) This section does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law.

#### **Seas. 120-120--120-150. Reserved.**

### **ARTICLE IV. INDUSTRIAL USERS**

#### **Sec. 120-151. Information requirements.**

(a) When requested by the director, industrial users shall have on file with the city, prior to commencing their discharge, wastewater information deemed necessary for determination of compliance with this chapter, the POTW NPDES permit conditions, and state and federal law. Such

information shall be provided by completion of a questionnaire designed and supplied by the director and by supplements thereto as may be necessary. The director may periodically require industrial users to update the questionnaire. Failure to submit the questionnaire shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this chapter. Information requested in the questionnaire and designated by the user as confidential is subject to the conditions of confidentiality as set out in section 120-8.

(b) Industrial users shall keep and maintain records a minimum of five years of the information as referred to in subsection (a) of this section and section 120-152. This period shall be automatically extended for the duration of any litigation concerning compliance with this chapter, or where the industrial user has been specifically notified of a longer retention period by the director. Such records shall be available for inspection during regular business hours by the director, and he shall be permitted to make and retain copies of such records.

(c) Where a person owns, operates or occupies properties designated as an industrial user at more than one location, separate information submittals shall be made for each location as may be required by the director.

#### **Sec. 120-152. Reporting requirements.**

(a) *Baseline monitoring reports.* Baseline monitoring reports shall be as follows:

(1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the director a report which contains the information listed in subsection (2) of this section. At least 90 days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the director a report which contains the information listed in subsection (2) of this section. A new source shall be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants to be discharged.

(2) The industrial user shall submit the information required by this section including:

*a. Identifying information.* The name and address of the facility including the name of the operator and owners.

*b. Environmental permits.* A list of any environmental control permits held by or for the facility.

*c. Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operations carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

*d. Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

*e. Measurement of pollutants.*

1. Identify the categorical pretreatment standards applicable to each regulated process.

2. Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the director) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 120-154.

3. Sampling must be performed in accordance with procedures set out in section 120-154

f. *Certification.* A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis—and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

g. *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in subsection (b) of this section.

h. *Reports to be signed and certified.* All baseline monitoring reports must be signed and certified in accordance with section 120-193.

(b) *Compliance schedule progress reports.* The following conditions shall apply to compliance with schedules:

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation);

(2) No increment referred to subsection (1) shall exceed nine months;

(3) The industrial user shall submit a progress report to the director no later than 14 days following each

date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay and, if appropriate, the steps being taken by the industrial user to return to the established schedule; and

(4) In no event shall more than nine months elapse between such progress reports to the director.

(c) *Reports on compliance with categorical pretreatment standard deadline.* Within 90 days following

the date for final compliance with applicable categorical pretreatment standards, or in the case of a new

source following commencement of the introduction of wastewater into the POTW, any industrial user



subject to such pretreatment standards and requirements shall submit to the director a report containing

the information described in subsections (a)(2), (d) - (f) of this section. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production, or other measure of operation, this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section 120-193.

(d) *Periodic compliance reports.* Periodic compliance reports shall be as follows:

(1) Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by

the director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period.

All

periodic compliance reports must be signed and certified in accordance with section 120-193.

(2) If an industrial user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW, using the procedures prescribed in section 120-154, the results of this monitoring shall be included in the report.

(e) *Reports of changed conditions.* Each industrial user is required to notify the director of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least 90 days before the change.

(1) The director may require the industrial user to submit such information as may be deemed necessary

to evaluate the changed condition, including the submission of a wastewater contribution permit application under section 120-192.

(2) The director may issue a wastewater contribution permit under section 120-194 or modify an existing wastewater contribution permit under section 120-195.

(3) No industrial user shall implement the planned changed conditions until and unless the director has

responded to the industrial user's notice.

(4) For purposes of this requirement, significant changes include, but are not limited to, flow increases of ten percent or greater, and the discharge of any previously unreported pollutants.

(f) *Reports of potential problems.*

(1) In the case of any discharges including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load which may cause potential

problems for the POTW, including a violation of the restricted discharges in section 120-112, it is the

responsibility of the industrial user to immediately telephone and notify the POTW of the incident.

This notification shall include the location of discharge, type of wastes, concentration and volume, if known, and corrective actions taken by the industrial user.

(2) Within five days following such discharge, the industrial user shall, unless waived by the director, submit a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or any other damage to person or property; such notification shall not relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this chapter.

(3) Failure to notify the POTW of potential problem discharges shall be deemed a separate violation of this chapter.

(4) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (f)(1) of this section. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

(g) *Reports from unpermitted users.* All users not required to obtain a wastewater contribution permit shall provide appropriate reports to the director as the director may require.

(h) *Notice of violation/repeat sampling and reporting.* If sampling performed by an industrial user indicates a violation, the industrial user must notify the director within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the director within 30 days after becoming aware of the violation. The industrial user is not required to resample if the POTW performs monitoring at the industrial user's at least once a month, or if the POTW performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.

(i) *Notification of the discharge of hazardous*

(1) Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division director, and state hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be hazardous waste under 40 CFR 261. Such notification must include the name of the hazardous waste as set

forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection needs to be submitted only once for each hazardous waste discharged. However, notifications or changed discharges must be submitted under subsection (e) of this section. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of subsections (a), (c) and (d) of this section.

(2) Discharges are exempted from the requirements of subsection (i)(1) of this section during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under section 12001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste; the industrial user must notify the POTW, the EPA Regional Waste Management Division director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(4) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree it has determined to be economically practical.

(5) This section does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder or any applicable federal or state law.

(j) *Timing.* Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the U.S. Postal Service, the date of receipt of the report shall govern.

(k) *Recordkeeping.* Industrial users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person taking the samples; the dates analyses were performed; who performed

the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the director.

**Sec. 120-153. Provision for monitoring.**

(a) When required by the director, users of the POTW shall provide suitable access and such necessary

meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastewater discharge. Such access and/or appurtenances shall be in a readily and safely accessible location and shall be provided in accordance with plans approved by the director.

The access and all appurtenances shall be provided and maintained at the owner's expense.

(b) The director shall consider such factors as the volume and strength of the discharge, quantities of toxic materials in the discharge, rate of discharge, POTW removal capabilities and cost effectiveness in determining whether or not access and equipment for monitoring wastewater discharge shall be required.

(c) Where the director determines access and equipment for monitoring or measuring wastewater discharges to the POTW are not practicable, reliable or cost effective, the director may specify alternative methods of determining the characteristics of the wastewater discharge which will provide an equitable measurement of such characteristics.

(d) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and

flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order

shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

**Sec. 120-154. Determination of wastewater characteristics.**

(a) Measurements, tests, and analyses of the characteristics of wastewater to which reference is made in this chapter shall be determined in accordance with procedures contained in 40 CFR 136 and

amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard, or with any other test procedures approved by the administrator of EPA. Sampling methods, locations, times, durations and frequencies are to be determined on an individual basis subject to approval by the director.

(b) Except as indicated in subsection (c) of this section, the industrial user must collect wastewater samples using flow proportional composite collection techniques. If flow proportional sampling is infeasible, the director may authorize the use of time proportional sampling or through a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(c) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides and volatile organic chemicals must be obtained using grab collection techniques.

(d) Measurements, tests and analyses of the characteristics of wastewater required by this chapter shall be performed by a laboratory approved by the director. When such analyses are required of a user, the user may, with the approval of the director, make arrangements with a qualified laboratory, including that of the user, to perform such analyses.

(e) Monitoring of wastewater characteristics necessary for determination of compliance with this chapter shall be conducted at least semiannually unless more frequent monitoring is required by the director.

**Secs. 120-155—120-190. Reserved.**

## **ARTICLE V. WASTEWATER CONTRIBUTION PERMITS**

### **Sec. 120-191. General permits.**

(a) Significant industrial users proposing to connect or contribute to the POTW shall obtain a wastewater contribution permit before connecting or contributing to the POTW.

(b) All existing significant industrial users who are connected to the POTW system prior to the effective date of this chapter shall obtain a wastewater contribution permit within 180 days after the effective date of this chapter.

(c) Prior to the commencement of any increase or change in an industrial user's contribution of pollutants to the POTW, the industrial user shall notify the POTW. If the increase or change causes the industrial user to become a significant industrial user, they shall apply for and obtain a permit to cover such increase or change. Any increase or change in an industrial user's contribution of pollutants to the POTW without prior approval is prohibited.

(d) An industrial user will be exempted from obtaining a wastewater contribution permit if the director determines the industrial user is contributing only domestic waste. At any time an industrial user is determined by the director to be a significant industrial user, such industrial user shall apply for a wastewater contribution permit within 60 days of notification, and shall obtain such permit within 120 days after application.

### **Sec. 120-192. Permit application.**

Significant industrial users shall complete and file with the director a wastewater contribution permit application in the form prescribed by the director and shall certify its true accuracy and completeness in the manner and form specified in 40 CFR 403. In support of and with the application, the significant industrial user shall submit in units and terms appropriate for evaluation, the following:

- (1) Name, address and location, if different from the address, of the significant industrial user.
- (2) SIC number according to the Standard Industrial Classification Manual, Office of Management and Budget, latest edition.
- (3) Wastewater constituents and characteristics including, but not limited to, those mentioned in sections 120-112 and 120-113 as determined by an approved laboratory. Sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 1204(g) of the act and contained in 40 CFR 136, as amended.
- (4) Time and duration of contribution.
- (5) Average daily and maximum wastewater flow rates, including daily, monthly and seasonal variations if any.
- (6) Site plans, floorplans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances thereto by size, location and elevation.
- (7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged to the POTW.
- (8) The nature and concentration of any pollutants in the discharge which are limited by city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the significant industrial user to meet pretreatment standards.
- (9) Each product produced by type, amount, process and rate of production, including daily, monthly and seasonal variations if any.
- (10) Type and amount of raw materials processed, average and maximum per day.
- (11) Number of employees, hours of plant operation and proposed or actual hours of operation of pretreatment system.
- (12) Such additional information as is deemed necessary or appropriate by the director in order to evaluate the permit application. The director may allow additional time, if necessary, in which to submit the additional information.
- (13) Any environmental control permits held by or for the facility.

(14) Average and maximum daily flows to the POTW for each regulated process stream and other streams as necessary to use the combined wastestream formula of 40 CFR 403.6(e).

(15) Monitoring requirements as specified in 40 CFR 403.12(b)(5).

(16) Certification, by a qualified professional, indicating whether or not pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance and/or additional pretreatment is required.

#### **Sec. 120-193. Signatories and certification.**

All permit applications and industrial user reports must contain the following certification statement and signed by an authorized representative of the industrial user:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

"All samples and measurements taken are to the best of my knowledge representative of the permitted wastewater discharge.

"All sampling, measurements, and analyses were conducted in accordance with guidelines prescribed in 40 CFR 136 and the wastewater contribution permit obtained from the city."

#### **Sec. 120-194. Permit decisions.**

The director will evaluate the data furnished by the industrial user and may require additional information. Within 120 days of receipt of a complete wastewater contribution permit application, the director will determine whether or not to issue a wastewater contribution permit. If no determination is made within this time period, the application will be deemed denied. The director may deny any application for a wastewater contribution permit.

#### **Sec. 120-195. Permit modification.**

(a) The director may modify the wastewater contribution permit for good cause including, but not limited to, the following:

- (1) To incorporate any new or revised federal, state or local pretreatment standards or requirements.
- (2) To address significant alterations or additions to the industrial user's operation, processes or wastewater volume or character since the time of wastewater contribution permit issuance.
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- (4) Information indicating that the permitted discharge poses a threat to the POTW, POTW personnel or the receiving waters.
- (5) Violation of any terms or conditions of the wastewater contribution permit.
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater contribution permit application or in any required reporting.
- (7) Revisions of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13.
- (8) To correct typographical or other errors in the wastewater contribution permit.
- (9) To reflect a transfer of the facility ownership and/or operation to a new owner/ operator.
- (b) The filing of a request by the permittee for a wastewater contribution permit modification does not stay any wastewater contribution permit condition.

**Sec. 120-196. Permit contents.**

- (a) Wastewater contribution permits shall include such conditions as are reasonably deemed necessary by the director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.
- (b) Wastewater contribution permits must contain the following conditions:
  - (1) A statement that indicates wastewater contribution permit duration, which in no event shall exceed three years.
  - (2) A statement that the wastewater contribution permit is nontransferable without prior notification to and approval from the director, and provisions for furnishing the new owner or operator with a copy of the existing wastewater contribution permit.
  - (3) Effluent limits applicable to the user based on applicable pretreatment standards in federal, state



and  
local law.

(4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on federal, state and local law.

(5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state or local law.

(c) Wastewater contribution permits may contain, but need not be limited to, the following:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works.

(3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or nonroutine discharges.

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

(5) The unit charge or schedule of industrial user charges and fees for the wastewater discharged to the POTW.

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

(7) A statement that compliance with the wastewater contribution permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater contribution permit.

(8) Requirements for notification to the director prior to the commencement of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.

(9) Other conditions as deemed appropriate by the director to ensure compliance with this chapter

and  
state and federal laws, rules and regulations.

**Sec. 120-197. Permit duration.**

Wastewater contribution permits shall be issued for a specified time period, not to exceed three years from the effective date of the permit. A wastewater contribution permit may be issued for a period less than three years, at the discretion of the director. Each wastewater contribution permit will indicate a specific date upon which it will expire.

**Sec. 120-198. Permit transfer.**

(a) Wastewater contribution permits may be reassigned or transferred to a new owner and/or operator only if the permittee gives at least 90 days advance notice to the director and the director approves the wastewater contribution permit transfer. The notice to the director must include a written certification by the new owner and/or operator which:

(1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.

(2) Identifies the specific date on which the transfer is to occur.

(3) Acknowledges full responsibility for complying with the existing wastewater contribution permit.

(b) Failure to provide such advance notice of a transfer renders the wastewater contribution permit voidable from the date of facility transfer.

**Sec. 120-199. Permit revocation.**

(a) The director may revoke a wastewater contribution permit for good cause, including, but not limited to, the following reasons:

(1) Failure to notify the POTW of significant changes to the wastewater prior to the changed discharge.

(2) Failure to provide prior notification to POTW of changed conditions pursuant to section 120-152(e).

(3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater contribution permit application.

(4) Falsifying self-monitoring reports.

(5) Tampering with monitoring equipment.

(6) Refusing to allow the director timely access to the facility premises and records.

- (7) Failure to meet effluent limitations.
- (8) Failure to pay fines.
- (9) Failure to pay sewer charges, connection charges, or other applicable fees and charges as determined by the director.
- (10) Failure to meet compliance schedules.
- (11) Failure to complete a wastewater questionnaire or the wastewater contribution permit application.
- (12) Failure to provide advance notice of the transfer of a permitted facility.
- (13) Violation of any pretreatment standard or requirement or any terms of the wastewater contribution permit or this chapter.
- (14) Failure to provide notification to the POTW of potential problems pursuant to section 120-152.
- (b) Wastewater contribution permits shall be voidable upon nonuse, cessation of operations or transfer of business ownership. All wastewater contribution permits issued to a particular user are void upon the issuance of a new wastewater contribution permit to that user.

#### **Sec. 120-200. Permit reissuance**

A significant industrial user with an expiring wastewater contribution permit shall apply for wastewater contribution permit reissuance by submitting a complete wastewater contribution permit application in accordance with section 120-192, a minimum of 90 days prior to the expiration of the industrial user's existing wastewater contribution permit.

#### **Sec. 120-201. Continuation of expired permits.**

An expired wastewater contribution permit will continue to be effective and enforceable until the wastewater contribution permit is reissued if:

- (1) The industrial user has submitted a complete wastewater contribution permit application at least 90 days prior to the expiration of the user's existing wastewater contribution permit.
- (2) The failure to reissue the wastewater contribution permit, prior to expiration of the previous wastewater contribution permit, is not due to any act or failure to act on the part of the industrial user.

#### **Sec. 120-202. Permit appeals.**

- (a) Any person, including the industrial user, may petition the director to reconsider the terms of a wastewater contribution permit within 30 days of its issuance.
- (b) Failure to submit a petition for review within 30 days shall be deemed to be a waiver of the administrative appeal.
- (c) In its petition, the appealing party must indicate the wastewater contribution permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater contribution permit.
- (d) The effectiveness of the wastewater contribution permit shall not be stayed pending the appeal.
- (e) If the director fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater contribution permit, not to issue a wastewater contribution permit, or not to modify a wastewater contribution permit shall be considered final administrative action for purposes of judicial review.

**Secs. 120-203–120-240. Reserved.**

## **ARTICLE VI. WASTEWATER CHARGES AND RATES**

### **Sec. 120-241. General information.**

The city shall collect wastewater service charges for the use of, and the services rendered by, the POTW from the owners or occupants of every lot, parcel of real estate, or building that has availability to the POTW or which discharges, either directly or indirectly, wastes to the POTW.

### **Sec. 120-242. Basis for sewer charges.**

Except as otherwise provided in this article, wastewater service charges shall be based on the quantity of water used on or in the property or premises subject to such charges, and shall be computed by applying the rates established by this article and shall be payable as provided in this chapter.

### **Sec. 120-243. Determination of usage.**

- (a) Except as otherwise provided in this chapter, wastewater service charges shall be based on one of the following:
  - (1) On the quantity of water used from any source of supply as measured by water meters acceptable to the director.
  - (2) On the quantity of wastewater entering the POTW and measured by a wastewater meter acceptable to the director.
  - (3) On the quantity of water used as determined by the director.

- (4) On the quantity of wastewater entering the POTW, as determined by the director.
- (5) On the percentage of the metered water used entering the POTW, as determined by the director.
- (b) Installation of water and wastewater meters shall conform to the following:
  - (1) Any water utility shall install and maintain in continuous efficient operation a water meter at each lot, parcel of real estate or building served by a water utility.
  - (2) Each owner of a private well or other private water supply shall, at his own expense, install and maintain in continuous efficient operation a water meter acceptable to the director. In lieu of installing a water meter, the owner of a residence may elect to be billed on the basis of three ccf/month of wastewater discharged per bedroom in the residence.
  - (3) The director may require users of the POTW to provide other methods of determination as may be required.
  - (c) Maintenance of meters, either water or wastewater, shall be in accordance with manufacturer's specifications. The readings of any such meter which has not been maintained in a continuous and efficient manner may be disregarded and the director may determine the wastewater volume delivered to the POTW during the time covered by discredited meter readings.
  - (d) Water meters, other than those of a water utility, and wastewater meters shall be read by the user in accordance with the meter reading practices of the director. These readings shall be furnished to the director upon request.
  - (e) Water meter readings obtained by a water utility and other records pertaining to the billing and collection of wastewater service charges shall be made available to the city during business hours within four days of the time readings are taken.

**Sec. 120-244. Basis for computing residential bills.**

Residential billing for wastewater charges shall be determined as follows:

- (1) The rates and charges established by this chapter shall be applied to the water consumption billed after this chapter shall have been placed in effect, except as otherwise provided by this chapter. In order that there will be the least wastewater service charge to residential water consumers for water used to maintain lawns, gardens, flowers, shrubs, trees, etc., water usage shall be derived from water consumption recorded in periods when such activities are reduced.
- (2) If wastewater service bills are rendered monthly, the basis for the bill for wastewater service for residences shall be computed from the average of the monthly water consumptions recorded during the period beginning January 1 and extending through the following March 31 of the year preceding the establishment of the basis for the charge, or from the average of the consumptions for any such

months  
during which water was used, except as otherwise provided. The basis so established shall first be used  
in rendering wastewater service bills beginning in the month of April following the establishment of the basis for the charge and shall be the basis used until the following April. A new basis for wastewater service bills shall be established annually.

In cases where a residence first becomes subject, after the meter reading date in March, to the wastewater service charges established in this article and no water meter readings were taken before such date, the owner or occupant of such residence shall be billed the customer charge plus a volume charge, as determined by the director, until a basis can be established as provided in this section.

Averages resulting in fractions of 100 cubic feet shall be raised to the next whole number of 100 cubic feet in computing average monthly water consumption or averages of monthly water consumptions.

(3) If the basis of wastewater service charges for a residence is established by agreement between the city and the user, the agreement shall be reviewed annually by the city and may be so reviewed at such other times as the city, in its discretion, may require or permit.

(4) Nothing contained in this section shall prevent the city, the owner or occupant of any residential premises from electing to be charged for wastewater services on the basis of actual water consumption as determined by monthly meter readings, if such owner or occupant makes application in writing to pay on the basis and agrees to pay on such basis for at least one year from the date of the next billing following the date of application.

#### **Sec. 120-245. Rates.**

For the services rendered to the city or other public authority, the city or authority shall be subject to the same charges provided in this section for other users of the POTW.

(1) Effective July 1, 1999, the schedule of wastewater service rates shall be as follows:

- a. There shall be assessed to each residential user of the POTW a basic customer charge of \$7.82 per month.
- b. There shall be assessed to each nonresidential user of the POTW a basic customer charge of \$12.12 per month.
- c. In addition to the basic customer charge per month, there shall be an additional monthly volume charge to all users which shall be computed as follows: \$0.85 per each 100 cubic feet or fraction thereof used per month.

(2) Effective July 1, 2000, the schedule of wastewater service rates shall be as follows:

a. There shall be assessed to each residential user of the POTW a basic customer charge of \$7.90 per month.

b. There shall be assessed to each nonresidential user of the POTW a basic customer charge of \$12.24 per month.

c. In addition to the basic customer charge per month, there shall be an additional monthly volume charge to all users which shall be computed as follows: \$0.86 per each 100 cubic feet or fraction thereof used per month.

(3) Effective July 1, 2001, the schedule of wastewater service rates shall be as follows:

a. There shall be assessed to each residential user of the POTW a basic customer charge of \$7.98 per month.

b. There shall be assessed to each nonresidential user of the POTW a basic customer charge of \$12.36 per month.

c. In addition to the basic customer charge per month, there shall be an additional monthly volume charge to all users which shall be computed as follows: \$0.87 per each 100 cubic feet or fraction thereof used per month.

(4) Effective July 1, 2002, the schedule of wastewater service rates shall be as follows:

a. There shall be assessed to each residential user of the POTW a basic customer charge of \$8.06 per month.

b. There shall be assessed to each nonresidential user of the POIW a basic customer charge of \$12.49 per month.

c. In addition to the basic customer charge per month, there shall be an additional monthly volume charge to all users which shall be computed as follows: \$0.88 per each 100 cubic feet or fraction thereof used per month.

(5) Effective July 1, 2003, the schedule of wastewater service rates shall be as follows:

a. There shall be assessed to each residential user of the POTW a basic customer charge of \$8.14 per month.

b. There shall be assessed to each nonresidential user of the POTW a basic customer charge of \$12.61 per month.

c. In addition to the basic customer charge per month, there shall be an additional monthly volume charge to all users which shall be computed as follows: \$0.89 per each 100 cubic feet or fraction thereof used per month.

**Sec. 120-246. Connection fees.**

(a) *Schedule established.* Notwithstanding any other provision of this Code to the contrary, there is hereby established a charge to every new or expanded user of the POTW of the city, which is in addition to the other fees and charges under this article. An expanded user of the POTW is a user which increases the size or number of water meters serving its property or premises. The connection fee will be in accordance with the following connection fee schedule and shall be based on the water meter size serving the property or premises.

CONNECTION FEE SCHEDULE

| <i>Meter Size<br/>(inches)</i> | <i>Connection Fee</i> |
|--------------------------------|-----------------------|
| 3/4                            | \$300.00              |
| 1                              | \$500.00              |
| 1 1/2                          | \$1,000.00            |
| 2                              | \$1,600.00            |
| 3                              | \$3,000.00            |
| 4                              | \$5,000.00            |
| 6                              | \$10,000.00           |
| 8                              | \$16,000.00           |
| 10                             | \$24,000.00           |
| 12                             | \$31,000.00           |



(b) *New users.* New users of the POTW will not be assessed an initial connection fee in the following instances, but any increase in the size or number of water meters will be assessed for expanded use:

(1) If an unexpired building permit was in existence for the user's property or premises on September 19, 1990.

(2) If the user's property or premises was served by the POTW, or if the new user occupied a structure in and had previously been assessed for a joint sanitary sewer district, on the effective date of the ordinance from which this section derives..

(3) If there was a break in sewer service to the user's property or premises for less than two years.

(4) If the metered water usage on the user's property or premises is solely for the purpose of fire protection or landscape irrigation.

(c) *Rules and regulations.* The director of public works will have authority to establish rules and regulations pertaining to connection fees set forth in this section in order to carry out the intent of the section. Such rules and regulations must be placed on file with the city clerk ten days before they become effective. A permit to connect to the POTW shall not be issued by the city or any other agency acting on behalf of the city with respect to the issuance of permits to connect to the sewer system, unless the connection fee set forth in this section has been paid.

(d) *Increase in size or number of water meters.* Any user who increases the size or number of water meters serving its property or premises shall pay a fee equal to the difference between the connection fee for the meter which existed prior to the increase, and the connection fee for the newly installed meter.

#### **Sec. 120-247. Extra charges.**

In order that rates and charges will be equitably related to the service rendered, the city shall, in addition to the charges set forth in section 120-246, assess extra charges for biochemical oxygen demand and suspended solids in excess of the amounts thereafter set forth. The extra charges for biochemical oxygen demand and suspended solids shall be as follows:

(1) Effective July 1, 1999:

a. For five-day biochemical oxygen demand in excess of 1.60 pounds for each 100 cubic feet (256 milligrams per liter) of wastewater, an additional charge of \$0.148 shall be made for each such excess pound or fraction thereof.

b. For suspended solids in excess of 1.90 pounds for each 100 cubic feet (304 milligrams per liter) of wastewater, an additional charge of \$0.0845 shall be made for each such excess pound or fraction thereof.

(2) Effective July 1, 2000:

a. For five-day biochemical oxygen demand in excess of 1.60 pounds for each 100 cubic feet (256 milligrams per liter) of wastewater, an additional charge of \$0.149 shall be made for each such excess pound or fraction thereof.

b. For suspended solids in excess of 1.90 pounds for each 100 cubic feet (304 milligrams per liter) of wastewater, an additional charge of \$0.0854 shall be made for each such excess pound or fraction thereof.

(3) The extra charges for biochemical oxygen demand and suspended solids shall be as follows effective July 1, 2001:

a. For five-day biochemical oxygen demand in excess of 1.60 pounds for each 100 cubic feet (256 milligrams per liter) of wastewater, an additional charge of \$0.151 shall be made for each such excess pound or fraction thereof.

b. For suspended solids in excess of 1.90 pounds for each 100 cubic feet (304 milligrams per liter) of wastewater, an additional charge of \$0.0862 shall be made for each such excess pound or fraction thereof.

(4) The extra charges for biochemical oxygen demand and suspended solids shall be as follows effective July 1, 2002:

a. For five-day biochemical oxygen demand in excess of 1.60 pounds for each 100 cubic feet (256 milligrams per liter) of wastewater, an additional charge of \$0.152 shall be made for each such excess pound or fraction thereof.

b. For suspended solids in excess of 1.90 pounds for each 100 cubic feet (304 milligrams per liter) of wastewater, an additional charge of \$0.0871 shall be made for each such excess pound or fraction thereof.

(5) The extra charges for biochemical oxygen demand and suspended solids shall be as follows effective July 1, 2003:

a. For five-day biochemical oxygen demand in excess of 1.60 pounds for each 100 cubic feet (256 milligrams per liter) of wastewater, an additional charge of \$0.154 shall be made for each such excess pound or fraction thereof.

b. For suspended solids in excess of 1.90 pounds for each 100 cubic feet (304 milligrams per liter) of wastewater, an additional charge of \$0.0880 shall be made for each such excess pound or fraction thereof.

**Sec. 120-248. Method of billing.**

(a) Wastewater service charges established by this article shall be prepared and billed by the city and shall be collected in the manner provided by law and ordinance.

(b) Any billing may be for a period of more or less than one full month in order to make the collection period correspond with the water meter reading schedules of any water utility.

(c) The first and final bill for each user shall be computed on a pro rata basis.

(d) Wastewater service billing schedules shall conform to the meter reading schedules of the water utility;

provided that whenever a private water utility company changes its water meter reading practices, the city may continue to render bills in accordance with wastewater service billing schedules, bases and procedures in effect at the time the changes were made in water meter reading practices.

(e) The rates and charges may be billed to the tenants occupying the property served, unless otherwise requested in writing by the owners, but such billings shall in no way relieve the owner from liability if payment is not made as required in this section.

(f) The owners of tenant-occupied property shall have the right to examine the collection records of the city for the purpose of determining whether such rates and charges have been paid by such tenants; provided that such examination shall be made at the office at which such records are kept and during the hours that such office is open for business.

#### **Sec. 120-249. POTW connections; deposits.**

(a) In addition to any other fees, deposits, permits or requirements of this Code, no person shall connect to the POTW of the city any property located outside of a sanitary sewer district or within a sanitary sewer district in which construction of sanitary sewers has not yet been ordered by the city council without first obtaining a permit from the director.

(b) The director may issue such permit upon receiving the applicable deposit computed as follows:

(1) For properties containing 6,000 square feet of area, or any fraction thereof, \$240.00.

(2) For properties containing more than 6,000 square feet, \$240.00 for the first 6,000 square feet and \$40.00 for each additional 1,000 square feet of property area or any fraction thereof; however, no deposit shall be required in excess of \$1,500.00.

(c) Should the property to be connected be located within a joint sanitary sewer district where joint sanitary sewers have been constructed, or have been ordered to be constructed by the city council, the deposits required in this section shall be reduced by 25 percent.

(d) Should property for which a sewer deposit has been made, as provided in this section, be placed within a joint sanitary sewer district, then upon the construction of joint sanitary sewers within the joint sewer district and the making of the assessment for the cost thereof, the then recorded owner of the property shall be entitled to a return of 25 percent of the deposit previously made. If only a portion of the property for which the deposit was made is placed within a joint sanitary sewer district and the joint sanitary sewers have been built and the assessments made, the amount of the deposit returnable shall be that portion of 25 percent of the entire deposit which is directly proportionable to the area of the property placed within the joint sanitary sewer district as compared to the total area of the property for which the deposit was made.

(e) Should property, for which a sewer deposit has been made, as provided in this section, be placed within a sanitary sewer district, then upon the construction of sanitary sewers within the sanitary district and the making of the assessment for the cost thereof, the then recorded owner of the property shall be entitled to the return of the deposit or so much thereof as shall not have been previously returned. If only a portion of the property for which the deposit was made is placed within a sanitary sewer district, and the sanitary sewers have been built and the assessment made, the amount of the deposit returnable shall be that portion of the entire deposit or of so much thereof not yet returned, which is directly proportional to the area of the property placed within the sanitary sewer district as compared to the total area of the property for which the deposit was made.

(f) All deposits shall be placed in a separate account to be established by the director of finance and shall be disbursed only upon a finding by the director that the deposit or a portion thereof is returnable under the provisions of this section. All deposits shall be returned to the then present recorded owner of the property for which the deposit was made, so that the deposit will run in effect with the land for which the deposit was made.

**Sec. 120-250. POTW connections; alternate connect fees and rentals.**

(a) In lieu of the deposit provisions for obtaining a permit provided in section 120-249, the director may issue the permit referred to in section 120-249 upon payment by the applicant of a fee of \$50.00, plus the payment of an annual rental fee for the privilege of so connecting. The annual fee shall be in an amount equal to one-half of the wastewater service charge imposed upon the owners or occupants of the premises to be connected by article VI. Provided, however, if the premises are at application or should thereafter be placed in a joint sanitary sewer district and joint sanitary sewers are constructed therein, then the amount of the rental charge shall be one-quarter of the sewer use charge. The rental fee shall be collected at the same time, in the same manner and together with the sewer use charge and need not be separately stated from such charge. Should the rental fee fail to be placed in whole or in part, the city shall have the same remedies for such failure as in the case of the failure to pay wastewater service charges, and the director may revoke the permit.

(b) The rental fee referred to in subsection (a) of this section shall be payable for a period of 20 years unless the connected premises shall sooner be placed in a sanitary sewer district and district sanitary sewers constructed therein.

(c) None of the payments or rentals established under this section shall be returnable to any person but shall belong solely to the sanitary sewerage fund of the city.

**Sec. 120-251. Connection to POTW a privilege.**

Any premises connected to the POTW under the provisions of section 120-249 or 120-250 shall be deemed so connected as a privilege extended by the city and not as a matter of right and shall in no way relieve any such premises from its lawful share of any special assessment heretofore or hereafter made for the payment in whole or in part of the cost of construction of sanitary sewers.

**Sec. 120-252. Requirements of sewer easements.**

The director is hereby authorized to require, as a condition of issuing special connect permits under the provisions set forth in sections 120-249 and 120-250 that the owner of the property being served by the special connect permit grant to the city a sewer easement in the areas where the director determines sewers will be needed. The director is authorized to accept such easements for and on behalf of the city.

**Sec. 120-253. Wastewater service charge adjustments; appeals.**

When a water utility has adjusted water meter readings or when it appears that an inequity has occurred, the director may make adjustments of wastewater service charges. Any user aggrieved by the decision of the director shall have the right to appeal to the city manager, whose decision shall be final for purposes of appeal pursuant to RSMo ch. 536.

**Sec. 120-254. Payment and delinquency.**

(a) If any user shall fail to pay his bill within 20 days after the date of rendition thereof, an additional charge of five percent thereof shall be added thereto. If any such bill shall remain unpaid for a period of 30 days after date of rendition thereof, the property shall not be entitled to receive sewage services from the city. Wastewater service to such premises may be disconnected and shall not be reconnected until all past due bills for wastewater services are paid in full, together with a cut-off charge of \$50.00, all to bear interest at the statutory rate.

(b) It shall be the duty of city utilities or other representatives of the city charged with the responsibility of receiving payments for wastewater services to notify the director of those premises which because of delinquency in the payment of bills are no longer entitled to wastewater service, and the director may take the necessary steps to have the building sewer disconnected from the POTW.

(c) The occupant or user of the premises receiving wastewater services and the owner of such premises shall be jointly and severally liable to pay for such services rendered on such premises. The city shall have the power to sue the occupant or the owner, or both, of such real estate in a civil action and receive any sums due for such services, plus a reasonable attorney's fee to be fixed by the court.

**Sec. 120-255. Water utility services cut off; payment delinquency.**

(a) Any water utility shall cease to furnish water to any user who is delinquent in the payment of wastewater service charges.

(b) The funds of the water utility shall not be used to defend against or to pay any claim arising from the action of the water utility department in complying with the terms of this article. Such claims shall be defended by or discharged by the city.

**Sec. 120-256. Connection fees; private contract sewers.**

Notwithstanding any other provision of this Code to the contrary, whenever sanitary sewers are not required to be built by provisions of this Code but are built by private contract and dedicated to the city, the city shall charge a connection fee for the privilege of connecting to the POTW to all persons who own land in the sanitary sewer district which connection fee shall be computed in the following manner:

(1) All persons owning land in the sanitary sewer district or their successors in title shall pay a connection fee for the privilege of connecting to the sanitary sewer which shall be equivalent to their proportionate share of the cost of the sanitary sewer. A person's proportionate share of the costs shall be computed by multiplying the number of square feet of land that a person owns in the sewer district times the cost per square foot for construction of the sanitary sewer. The cost per square foot for construction of the sanitary sewer shall be determined by the director. The person causing such sewer to

be constructed, hereinafter referred to as developer, shall have a licensed engineer in the state to certify to the director the cost of the sanitary sewer and that all such costs were necessary and were incurred in the construction of the sewer. The director may, in his discretion, determine that certain costs should not be allowed in computing the connection fee.

(2) If the director determines that costs were not necessary or that they were not incurred, then such costs shall not be included in the connection fee to be charged to persons who have not paid the connection fee. Any person who has paid to the developer a sum of money which is not less than that person's proportionate share of the cost of the sewer prior to commencement of construction of the sewer shall be deemed to have paid the connection fee required by this section. All persons owning land in the sewer district who have not paid their proportionate share of the cost prior to the commencement of the construction of the sewers shall pay a connection fee to the city at the time such person connects to the city sewer and a penalty of six percent per annum for each year that such person has not connected to the sewer, which penalty shall not be subject to being apportioned for any part of a year.

(3) At the time a person pays the connection fee, the director shall determine what land is owned by the person in the sewer district for which the fee is being paid and upon payment of the required fee no further connection fee shall be required by this section, it being intended that the person paying the fee shall have paid the fee for their successors in title. The developer shall have a professional engineer licensed to practice in the state to certify to the director the names of all persons who have paid the connection fee prior to the commencement of construction, the description of the land such person owns, and the total number of square feet of land such person owns in the district. Connection fees required to be paid to the city shall be paid to the director in accordance with procedures established by the director. It shall be unlawful for any person required to pay a connection fee by this section to connect to the sanitary sewer of the city without paying such a fee and any person connecting to the sanitary sewer without paying such a fee shall be disconnected from the sanitary sewer of the city after notice and hearing by the director.

**Sees. 120-257—120-290. Reserved.**

## **ARTICLE VII. ENFORCEMENT**

### **Sec. 120-291. Warrants.**

If an official who has a duty to perform under this Code has been refused access to a building, structure or property or any part thereof, and if such official has probable cause to believe that there may be a violation of this chapter or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this chapter or any permit or order issued under this chapter, or to protect the overall public health, safety and welfare of the community, then upon application by the city attorney to

the municipal court judge and a showing of the above, the municipal court judge of the city shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours and only by an official of the department in the company of a uniformed police officer of the city.

**Sec. 120-292. Administrative enforcement remedies.**

(a) *Notification of violation.* Whenever the director finds that any user has violated or is violating this chapter, a wastewater contribution permit or order issued under this chapter, or any other pretreatment standard or requirement, the director or his agent may serve upon the user a written notice of violation.

Within the time specified in the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the director. Submission of this plan in no way relieves the user of liability for any violation occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the POTW to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(b) *Consent orders.* The director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as the administrative orders issued pursuant to subsections (d) and (e) of this section.

(c) *Show cause hearing.* The director may order any user which causes or contributes to violations of this chapter, wastewater contribution permits, or orders issued under this section, or any other pretreatment standard or requirement, to appear before the director and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail, return receipt requested. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing. A show cause hearing shall not be a prerequisite for taking any other action against the user.

(d) *Compliance orders.* When the director finds that a user has violated or continues to violate this chapter, wastewater contribution permits or orders issued under this article, or any other pretreatment standard or requirement, the director may issue an order to the user responsible for the discharge directing that the user come into compliance within a time as specified by the director. If the user does not come into compliance within the time specified by the director, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders may also contain other requirements to address the noncompliance,

including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the

user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.

(e) *Cease and desist orders.* When the director finds that a user is violating this chapter, the user's wastewater contribution permit, any order issued under this section, or any other pretreatment standard

or requirement, or that the user's past violations are likely to recur, the director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

(1) Immediately comply with all requirements.

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(f) *Issuance of order.* Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.

#### **Sec. 120-293. Revocation of permits, utilities and disconnection from POTW.**

(a) In addition to the provisions in section 120-199, any user who violates any of the following conditions may be subject to disconnection from the POTW:

(1) Violation of wastewater contribution permit conditions;

(2) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(3) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;

(4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling;

(5) Violation of the conditions for use of the POTW in article III of this chapter; or

(6) Failure to comply with an order by the director to correct a violation within the time specified by such order.

(b) The director may disconnect the violator from the POTW, revoke any permits issued by the city under which the activity is conducted, including any permit issued under this chapter, and seek termination of city utilities, or other public or private utility services, to the building or structure wherein the activity is conducted.

#### **Sec. 120-294. Emergencies, abatements, and recovery of costs.**

(a) When the director finds that an emergency exists, he shall require the violator to



immediately cause the violations to be abated or corrected. If the violator cannot be contacted within a reasonable time or fails or refuses to abate or correct the violation, the director may abate or correct the violation.

(b) When the director has abated or corrected any violation, he shall certify the costs thereof to the director of finance, and the owner of the property on which such violation was abated or corrected shall be civilly liable to the city for the costs of such abatement or correction. Violation may also result in denial or revocation of a permit to contribute to the POTW, under section 120-199. Costs shall include all costs attributable to such abatement or correction, including all wages and salaries of city employees for their time directly attributable to the abatement or correction.

#### **Sec. 120-295. Prosecution of violation.**

If a person violates this chapter, a wastewater contribution permit or any order issued under this article, the director may cause a municipal court summons to be issued and he may also request the city attorney to institute the appropriate legal proceedings to obtain an injunction to restrain, correct or abate such violation of the provisions of this Code.

#### **Sec. 120-296. Penalties.**

(a) *Criminal penalties.* Any person violating any of the provisions of this chapter or failing to comply with any order, permit or certificate issued under the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not more than \$1,000.00, or by imprisonment in jail for a period not exceeding 180 days, or by both such fine and imprisonment. Each violation per day after the posting of notice shall be deemed a separate offense. Notice, as set forth in section 120-292, shall not be required in order to prosecute a person for a violation of any provisions of this chapter, except such notice shall be required to prosecute a person for failure to comply with an order.

(b) *Civil penalties.* Failure to comply with an order which has been duly posted, which interferes with the POTW or significantly contributes to any violation or requirement of the POTW's NPDES permit or any violation of any of the provisions of this chapter or the failure to comply with any order, permit, or certificate issued under the provisions of this chapter shall be subject to civil penalties not to exceed \$1,000.00 per day per violation.

#### **Sec. 120-297. Affirmative defenses to discharge violations.**

(a) *Upset.* For the purposes of this section, the term "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance or careless or improper operation.

(2) An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of subsection (a)(3) of this section are met.

(3) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and the industrial user can identify the cause of the upset.

b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.

c. The industrial user has submitted the following information to the POTW within 24 hours of becoming aware of the upset if this information is provided orally, a written submission must be provided within five days:

1. A description of the indirect discharge and cause of noncompliance.

2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.

3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

(4) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(5) Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with pretreatment standards.

(6) The industrial user shall control production or all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(b) *Restricted discharges.* An industrial user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the restricted discharges in section 120-112 if it can prove that it did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

(1) A local limit exists for each pollutant discharged and the industrial user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the POTW was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(c) *Bypass.*

(1) For the purposes of this section the terms:

a. "Bypass" means the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(2) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to ensure efficient operation. These bypasses are not subject to the provision of subsections (c)(3) and (c)(4) of this section.

(3) Notice of bypass.

a. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the director, at least ten days before the date of the bypass if possible.

b. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the director within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. The director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(4) Enforcement action exceptions.

a. Bypass is prohibited, and the director may take enforcement action against an industrial user for a by-pass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage;

2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

3. The industrial user submitted notices as required under subsection (c)(3) of this section.

b. The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three conditions listed in subsection (c)(4)(a) of this section.

**Sec. 120-298. Abatement of violation; injunctive relief.**

The imposition of the penalties prescribed in section 120-296 shall not prevent the city attorney from instituting appropriate action to prevent or to restrain, enjoin, correct or abate a violation or nuisance, or to prevent an illegal act or conduct, in or about any premises, in violation of this chapter.

**Sec. 120-299. Responsibility; joint and several liability.**

Any person who shall occupy the user's premises as a tenant under any rental or lease agreement shall be jointly and severally responsible for compliance with the provisions of this chapter in the same manner as the owner.

**Sec. 120-300. Enforcement response plan.**

The director shall develop and implement an enforcement response plan in accordance to 40 CFR 03.8(f)(5). Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the city reserves the right to take other action against any user when the circumstances warrant. Further, the city is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently.

**C:\WINDOWS\TEMP\chapter120.wpd**